IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O.C. J.

REVIEW PETITION NO. 40 OF 2004

IN

WRIT PETITION NO. 2202 OF 2003

Pius Bonaventure Fernandes ..... Petitioner.

versus

The Mumbai Building Repairs
and Reconstruction Board & ors..... Respondents.

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Mrs. Usha Purohit for the petitioner.

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CORAM ; V.G.PALSHIKAR &
MRS. NISHITA MHATRE, JJ.

DATED; 24TH SEPTEMBER, 2004.

P.C.;

1. By this Review Petition, review of order passed by us on 12-9-2003 is sought. The grounds given is the circular dated 13th May 2003 which was, inspite of deligent efforts, not available to the petitioner when the matter was argued.

2. The petitioner is non-suited by us by the impugned order taking into consideration the earlier suit filed in the year 1999 claiming tenancy right. Even now according to the petitioner, he is an occupant directly of the MHADA and therefore he is entitled to be given

occupancy right to the reconstructed premises. That also is a claim as observed by us by the earlier order, which can be decided in a civil suit. Leaving that remedy open to the petitioner, the Review Petition is dismissed.

3. Parties to act on an authenticated copy of this order.

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